



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: March 15, 2022

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA /
Zoom (Hybrid)

1. ROLL CALL

Roll Call showed 11 present.

M. Chau presiding.

C. Mercier requested moment of silence in darkened chamber for Pietra Emmanuelle Silva Araujo (fire victim). M. Chau and C. Nuon requested moment of silence in darkened chamber for Daniel C. Kong.

2. MAYOR'S BUSINESS

2.1. Communication Remote / Zoom Participation:

Meetings Will Be Held In Council Chamber With Public Welcome And By Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99). Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Issued Zoom Link To The Meeting. Email Address Is MGEARY@LOWELLMA.GOV. If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting. For Zoom -

[HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

In City Council, **Motion** "To accept and place on file" by C. Drinkwater, seconded by C. Jenness. So voted.

Motion to suspend rules to recognized retirement of Superintendent of Police by C. Jenness, seconded by C. Mercier. So voted. M. Chau presented citation to Superintendent Kelly Richardson of Lowell Police Department in recognition of his retirement. C. Rourke recognized his post and past friendship. C. Mercier noted her pride in his term of office. C. Nuon noted his positive assessment earlier on in his career. Supt. Richardson recognized support of Council and the administration as well as the many employees in the department. Supt. Richardson noted the positive reactions and support of the Lowell community throughout the years.



2.2. Citation - Bam Bam Studio Fitness (Jason Greenaway And Leandro Malaquias)

In City Council, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Nuon. So voted. M. Chau presented the citation and Mr. Greenaway thanked the body on behalf of the business.

3. CITY CLERK

3.1. Minutes Of City Council Meeting March 8th, For Acceptance.

In City Council, minutes read, **Motion** "To accept and place on file" by C. Robinson, seconded by C. Rourke. So voted.

4. UTILITY PUBLIC HEARING

4.1. National Grid - Request Installation Of 4 Inch Gas Main From 114 South Whipple To Sidney Street.

In City Council, Given second reading, hearing held, no remonstrants. Diane Cudy (National Grid) spoke in favor of the petition. **Motion** to refer to Wire Inspector for report and recommendation by C. Scott, seconded by C. Yem. So voted. C. Scott requested that Sidney be put on list for repairs after work is completed. Christine Clancy (DPW) noted that street will be assessed and placed on list.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

In City Council, **Motion** "To accept and place on file" by C. Jenness, seconded by C. Gitschier. So voted.

A) Motion Response - SBC Membership – C. Gitschier noted removal of members from the commission and questioned process. Manager Donoghue noted that members were removed when there was a request for removal. C. Gitschier noted the presence of the police department on the commission and noted that a member from fire department should be a member as well. Manager Donoghue noted that fire department is brought into discussions when needed and that they would explore at making them a permanent member. C. Mercier commented on meetings happening between the parties. Manager Donoghue noted that meetings and that consultants provide a report to the MSBA each month per contract. Manager Donoghue noted that once final budgeted numbers were available information was put on the agenda. C. Mercier recalled information from Suffolk Construction stating there would be no increases. C. Mercier commented that she was bothered by the fact that information was on radio before the Council had it as well as tax payers in the City. C. Gitschier commented on removal of former Councilor Rodney Elliott from the commission noting Mr. Elliott did not wish to be removed from the process and that the information from the Manager's office was not accurate. C. Gitschier noted the commission should be



meeting regularly and providing recommendations and if the consultants cannot accomplish that then it may be time to move on from them.

M. Chau noted presence of former Mayors, Mr. Elliott and Mr. Samaras in the chamber.

5.2. Informational Reports

B) Informational - Summary of LHS Project Budget – M. Chau noted each information item will be discussed simultaneously. Manager Donoghue noted the consultants were present and ready to make presentation. Marianne Williams (Skanska) introduced team present which included Jim Dowd (Skanska); Rex Rodloff (Suffolk); Joe Drown (Perkins-Eastman); and Sean Edwards (Suffolk). Ms. Williams commented on the covid effect on the industry in terms of scheduling and the costs of materials. Mr. Edwards commented on the material price index review as well time line of the project. Mr. Edwards commented on pandemic effect on trades as well as contingencies within budget and bid process. Mr. Rodloff provided presentation entitled “Suffolk – Lowell High School – City Council Meeting March 15, 2022” which covered following topics: Draft Guaranteed Maximum Price (GMP); Estimating timeline; Market Conditions; Impacts of Covid-19; and Conclusion. Mr. Rodloff commented on budget process with project to reach GMP noting that if subcontractors are not under contract then costs fluctuate. Mr. Rodloff noted budget changes has bids are accepted and put under contract and in addition commented how contingencies play into that process. Mr. Rodloff noted that contingencies are not used unless approved by owner. Mr. Rodloff commented on costs associated with trades who were not under contract; including steel; curtainwall; and drywall. Mr. Rodloff noted focus in percentage increase across the industry when reviewing reasons for fluctuating markets. Mr. Rodloff outlined market conditions relating to the project through use of the Material Producer Price Index as such an index is standard in the industry. Mr. Rodloff outlined this index as compared to Lowell High School budget which indicated large fluctuations for structural steel; Drywall; and Curtainwall, further noting that if trades had been under contract would protect against such fluctuations. Mr. Rodloff noted that Covid impact on industry was with factory closures; labor loss; backed-up demand; and inflated costs. In conclusion, Mr. Rodloff touched on each item, including budget process; contracts with trades; price increases; and market fluctuations.

C. Mercier noted prior remarks of no increases as well as other communities handling their projects in a more efficient manner. Mr. Rodloff noted increase due to inflated pricing with certain trades not being under contract. Ms. Williams noted other communities were not affected by pandemic due to the timing of their budgets. C. Mercier noted disappointment with results and stated that there was not appetite for this increase on further increases. Ms. Williams noted that once subcontractors are locked in that will stabilize costs. C. Mercier noted contingencies should be used to lessen loan amount. Ms. Williams outlined the use of the contingencies on these types of projects. Registered speaker, Jeff Thomas, addressed the Council. C. Drinkwater noted increase in line item entitled Trade Costs and noted that trades were on budget early on in process. Mr. Edwards noted that has schematic designs develop cost change and contingencies may be used. C. Rourke question the lead time for materials. Mr. Edward noted they are monitored closely and indicated it was important



to be in contract so the material requests can be made. C. Rourke noted the longer process goes the costs will increase. Mr. Edwards noted that was why there are contingencies in the budget. C. Rourke commented on the Arlington project and costs associated with that. Ms. Williams noted the final budget was produced for that project before the pandemic and that the Lowell project was on time. C. Rourke noted the information of these other projects are prominent on their websites and Lowell does not have that presence and they should. C. Scott noted some bids were deferred. Mr. Rodloff commented on the reason as they did not wish to contract at height of the bubble and collectively decided to ride market on it. C. Scott noted the graphs did not produce that information. C. Scott questioned remodeling budget going to the studs. Mr. Rodloff indicated it is a remodel to the studs. C. Gitschier commented on transparency of public procurement bids and that information was not available to public it could be done in an Executive Session. C. Gitschier noted that playing the market was done with tax payer money. C. Gitschier reiterated that there must be transparency with line item costs so that informed decision can be made; including supporting amending loan orders. Manager Donoghue noted that many contracts had been finalized and that project was going through a standard process. Mr. Drown noted that bids are managed so has to not influence the market. C. Gitschier noted increase was a result of waiting. C. Jenness questioned if other similar projects had such time frames. Ms. Williams noted this project was unique in the Commonwealth in that time frame. C. Jenner noted the importance of timing and scheduling. Mr. Rodloff noted the need to have subcontractors under contract to ensure proper lead times. C. Leahy questioned repair/replace of stairwells during renovation. Mr. Drown noted some repairs will be needed on them but not sure of extent and they may need to be preserved for historic purposes. C. Leahy noted drywall bids include material and labor. C. Drinkwater questioned line item for general conditions. Mr. Rodloff noted as costs increase such costs for bonding and insurance would increase and that costs to Suffolk is not included in that. C. Scott noted that remodel down to studs would not include stairwells. Mr. Drown noted stairs may need to be historically preserved. C. Rourke noted monthly reports to MSBA should be provided to Council moving forward as well as all prior reports. Mr. Dowd noted reports have been filed with MSBA. Manager Donoghue noted reports would be provided to the Council regarding the construction and noted Council involvement with funding the project. C. Rourke suggested the use of CPA funds be used in project for historic preservation as what was recently done with City Hall. M. Chau thanked the consultants noting the tax payer responsibilities on the matter and the need to protect them. M. Chau noted the projection needs completion and that is the responsibility of the taxpayers and that all entities involved here should share in any errors made along the way.

C) Informational - Presentation on LHS Project Budget – See above discussion.

D) Informational - LHS Project Budget Through January 2022 – See above discussion.



5.3. Communication - Appointments And Reappointment To The Council On Aging.

In City Council, Read. **Motion** to adopt by C. Mercier, seconded by C. Scott. Adopted per Roll Call vote 11 yeas. (Reappoint – Joyce Dastou; Appoint – Frank Baskin and Gilda James) So voted.

5.4. Communication - Reappointment Of Mark Paton To Election Commission.

In City Council, Read. **Motion** to adopt by C. Gitschier, seconded by C. Drinkwater. Adopted per Roll Call vote 11 yeas. So voted.

Motion by C. Mercier, seconded by C. Jenness to bundle and waive second reading for Items #6.1 to #6.11, inclusive. So voted.

6. VOTES FROM THE CITY MANAGER

6.1. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA – Bartlett.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted. C. Scott recognized the effort of the City in producing these submittals and noted their importance. Manager Donoghue noted these votes were part of the MSBA Accelerated Repair Program. C. Yem questioned if there is possible offsets with bonding issues.

6.2. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA – Butler.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

6.3. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA - Cardinal O'Connell.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

6.4. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA – Daley.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

6.5. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA – Greenhalge.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.



6.6. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA – Lincoln.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

6.7. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA – McAvinnue.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

6.8. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA – Murkland.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

6.9. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA – Robinson.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

6.10. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA – Rogers.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

6.11. Vote - Authorize Superintendent Of Schools Submit SOI To MSBA – Shaughnessy.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted.

6.12. Vote-LHS MSBA Cost Increases.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Robinson, seconded by C. Mercier. Adopted per Roll Call vote 11 yeas. So voted. C. Gitschier questioned if time enough to send matter to subcommittee. Manager Donoghue stressed the need to move on matter quickly as session will be ending shortly at State level. C. Gitschier questioned likelihood of success with endeavor. Manager Donoghue noted was in a unique position which is beneficial to request. Solicitor O'Connor noted that the MSBA recommended that the City use this approach.



7. ORDERS FROM THE CITY MANAGER

7.1. Amending Loan Order - \$38,568,011 For High School Project.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on March 29, 2022 at 7 PM by C. Robinson, seconded by C. Gitschier. So voted. C. Jenness questioned if the vote were not successful. Manager Donoghue noted the vote gives the City the power to borrow and that many vendors are under contract on this project. C. Gitschier questioned financial effect on real estate taxes with this loan. Conor Baldwin noted that if borrowed all at once, which is not likely, then there would be an increase of Seventy-Three dollars on average home. C. Mercier noted that there is contingency money to pay for increase in costs.

8. REPORTS (SUB/COMMITTEE, IF ANY)

8.1. Finance SC March 15, 2022.

In City Council, C. Scott provide report outlining meeting and attendance commenting on replacement of parking kiosks and garage repair loan order as well as the budgeting of ARPA funding. C. Scott noted the move to reduce number of kiosks as the technology has improved and further noted community involvement with ARPSA funding. **Motion** by C. Scot, seconded by C. Rourke to request City Manager have Law Department prepare loan order for garage repair and kiosks replacement. So voted. C. Yem noted ARPA funding was not finalized and there is still more process moving forward. **Motion** to accept the report as a report of progress and adopt motions of the subcommittee by C. Drinkwater, seconded by C. Jenness. So voted.

8.2. Wire Insp. - Boston Gas D/B/A National Grid - Request Installation Of New 2 Inch Gas Main From 73 Beech St. To 6th Street.

In City Council, **Motion** to accept and adopt accompanying order by C. Jenness, seconded by C. Leahy. So voted.

9. PETITIONS

9.1. Claims - (5) Property Damage.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Mercier, seconded by C. Nuon. So voted.

10. CITY COUNCIL - MOTIONS

10.1. C. Yem - Req. City Mgr. With Veterans Commission Provide Update Regarding The Laying Of Wreaths And American Flags At All Veteran Poles And Squares, As Well As, A Parade On Memorial Day 2022.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Yem noted Veterans are looking forward to these events and that he would assist to make them happen.



10.2. C. Yem - Req. City Mgr. Work With Proper Department To Utilize Wireless Emergency Alert To Broadcast Any And All Emergency Messages To Lowell Residents.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Yem noted it could be a more efficient manner of notification.

10.3. C. Leahy - Req. City Mgr. Look Into Feasibility Of Adding Flag Poles Outside Of Entrance To City Hall On Arcand Drive.

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Leahy noted need for addition due to increase in flag raising ceremonies.

10.4. C. Leahy - Req. City Mgr. Have National Grid Repair Pole #12 On Fairmount Street Near The Oakland Firehouse.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Leahy noted tension on wire is damaging the building.

10.5. C. Leahy - Req. City Mgr. Put A Work Order In To Have The Outside Of The Oakland Firehouse Repaired And Painted.

In City Council, seconded by C. Jenness, referred to City Manager. So voted. C. Leahy commented on repairs needed to avoid major costs in the future.

10.6. C. Robinson - Req. City Mgr. Work With Proper Department To Install Street Lighting On Wachusett Street.

In City Council, seconded by C. Scott, referred to City Manager. So voted. C. Robinson noted the area was in need of lighting.

10.7. C. Robinson - Req. City Mgr. Work With Lowell Public Schools To Look Into The Feasibility Of Acquiring The St. Louis Property.

In City Council, seconded by C. Yem, referred to City Manager. So voted. C. Robinson noted the need for additional learning space. **Motion** to refer to Municipal Facilities SC joint with School Facilities SC by C. Robinson, seconded by C. Scott. So voted.

10.8. C. Robinson - Req. City Mgr. Provide Status Update On Heating System And ADA Compliant Ramps At The Reilly School Facility.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Robinson commented on problems with ramps and heat at the school.

10.9. C. Nuon/C. Jenness - Req. City Council Vote To Request The Support Of The State Delegation In Securing Additional Funding For The Lowell High School



Project Given Anticipated Cost Overages Caused By Covid-19'S Impact On Construction Market.

In City Council, no second needed, referred to City Manager. So voted. C. Nuon noted the process has already begun.

10.10. C. Jenness/C. Nuon - Req. City Mgr. Have Proper Department Look Into Potential Traffic Calming Solutions For Lincoln Parkway.

In City Council, no second needed, referred to City Manager. So voted. C. Jenness noted prior request and referral and want to start process again with new Council.

10.11. C. Jenness - Req. City Mgr. Provide A Report On The City's Current Strategies And Initiatives Around The Deployment Of Electric Vehicle Chargers Around The City Of Lowell.

In City Council, second by C. Leahy, referred to City Manager. So voted. C. Jenness noted the need to expand plans beyond garages to neighborhoods and private organizations as demand is growing.

10.12. C. Jenness - Req. City Mgr. Have Proper Department Assess The Accessibility Of The Crosswalk Button At Market And Dutton Streets.

In City Council, second by C. Nuon, referred to City Manager. So voted. C. Jenness noted the need for repair as a safety precaution. C. Rourke noted needed adjustment of lights at Varnum Ave.

11. ANNOUNCEMENTS

In City Council, C. Leahy noted Mayor's blood drive this weekend. C. Yem recognized C. Jenness birthday. C. Jenness noted memorial service for Mark Goldman. M. Chau noted fund established for recent fire victims.

12. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Robinson, seconded by C. Gitschier. So voted.

Meeting adjourned at 9:40 PM.

Michael Q. Geary, City Clerk